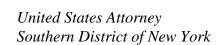


U.S. Department of Justice



The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

September 28, 2016

BY ECF

The Honorable Paul A. Engelmayer United States District Judge Thurgood Marshall United States Courthouse 40 Foley Square New York, New York 10007

Re: United States v. Jonathan Rodriguez, et al., S6 15 Cr. 445 (PAE)

Dear Judge Engelmayer:

The Government respectfully writes to inform the Court that earlier today, a grand jury sitting in this District returned a superseding indictment (the "S6 Indictment") in this case. The S6 Indictment makes three modifications to the previously operative version of the indictment (the "S4 Indictment"). The modifications do not result in any new discovery for any of the defendants. Earlier this week, the Government contacted defense counsel for each of the four defendants expected to proceed to trial on October 31, 2016 and notified counsel of the Government's intention to seek the return of the S6 Indictment and the nature of the modifications. The modifications are as follows:

- 1. In Count One, acts involving robbery have been added as a type of predicate racketeering activity.
- 2. Defendant Miguel Romero, who was previously charged in Count One (racketeering conspiracy) and Count Thirteen (use of firearms), has been added as a defendant in Count Ten (narcotics conspiracy).
- 3. The firearms charge in Count Thirteen, which was previously tied only to the racketeering conspiracy charged in Count One, is now also tied to the narcotics conspiracy charged in Count Ten.

In addition, the Government has corrected two typographical errors that were in the ${\bf S4}$ Indictment.

Respectfully submitted,

PREET BHARARA United States Attorney

By: /s/

James McDonald Max Nicholas

Assistant United States Attorneys

Tel. (212) 637-2405/1565

cc: All Counsel (by ECF)